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FISCAL IMPACT STATEMENT

LS 7368

BILL NUMBER: HB 1705

NOTE PREPARED: Jan 12, 2003

BILL AMENDED:

SUBJECT: CASA Changes.

FIRST AUTHOR: Rep. Kruse

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

(A) It prohibits a guardian ad litem or court-appointed special advocate (CASA) from having ex parte communications with a judge or coaching a child regarding testimony.

(B) It requires a guardian ad litem or CASA in certain juvenile court proceedings to make reasonable efforts to preserve the family and present unbiased evidence that is not prejudiced for or against the interests of a child.

(C) It prohibits a court from issuing an order removing a child from the child's home unless the court finds by clear and convincing evidence that the child's physical and mental condition will be seriously impaired or seriously endangered if the child is not taken into custody.

Effective Date: July 1, 2003.

Explanation of State Expenditures: *Provision C* could reduce the number of children who are removed from their homes if a court is required to find that clear and convincing evidence is needed instead of a probable cause that a child would be seriously endangered if the child remained in the home.

FSSA reports that 6,438 children were removed from their homes in FY 2001. Some of these children are placed in foster care at a cost of \$25 to \$100 per day, while others are in low-restriction residential facilities at a cost of approximately \$100 a day.

Explanation of State Revenues:

Explanation of Local Expenditures: GAL/CASA volunteers are assigned to an abuse or neglect case (or

other juvenile-related cases in some counties in Indiana) by a judge. They conduct research on the background of the case, reviewing documents, interviewing the child and other persons interacting with the child. They report their findings to the court and sometimes recommend decisions that they believe is best for the child.

Concerning CASA volunteers, the Division of State Court Administration reported that during court proceedings in 2001, 15,225 children were adjudicated as Children in Need of Services and CASA volunteers were appointed on 8,193 (54%) of those cases.

Provision C could also reduce the number of children who might be placed in a juvenile facility if the court must show by clear and convincing evidence rather than by probable cause that these children in need of services should be placed in a juvenile facility and removed from their homes.

Explanation of Local Revenues:

State Agencies Affected: Family and Social Services Agency.

Local Agencies Affected: Trial courts, Court-appointed special advocates.

Information Sources: Susan Kilty, Family and Social Services, Office of State Court Administration.

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